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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 CHARLES ANTHONY SUMMERS,

10 Petitioner,

Case No. 3:09-CV-000674-LRH-RAM

11 vs

ORDER

12 E.K. McDANIELS, *et al*,

13 Respondents. /

14 Before the Court is petitioner's Motion to Abandon (docket #17) made in response to the Court's
15 order deciding the motion to dismiss. Petitioner advises the Court that he is abandoning the claim "under
16 extreme duress" because he does not know what he is doing and because he believes he would get a fair
17 review from the courts.

18 Despite petitioner's qualifications to his abandonment, the Court will grant the motion and the
19 respondents shall be directed to file their answer to the remaining claims.

20 **IT IS THEREFORE ORDERED** that Petitioner's Motion to Abandon (docket #17) is
21 **GRANTED.** Ground two of the amended petition is **DISMISSED WITH PREJUDICE.**

22 **IT IS FURTHER ORDERED** that respondents shall file their answer to the remaining grounds
23 for relief in the amended petition within thirty days of entry of this Order. There after, petitioner shall
24 have thirty days to reply.

25 Dated this 27th day of December, 2010.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE